

RECEIVED
CENTRAL FAX CENTER

MAY 03 2006

**OFFICIAL FILING BY FACSIMILE
TRANSMISSION ON MAY 3, 2006 TO
FACSIMILE #571-273-8300, FOR EXAMINER
JENNIFER A. LEUNG, TELEPHONE 571 272
1449, ART UNIT 1764**

Response _____ pages,
Drawings _____ sheets
Terminal Disclaimer _____ sheet.
Exhibits _____ pages
Total Fax pages _____

Our Ref. No. P-1427-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
BEIERLE

Date: May 3, 2006

Serial No. 10/669,666

Group Art Unit: 1764

Filed: September 23, 2003

Examiner: Jennifer A. Leung

For: METHOD OF PRODUCING
CHARCOAL, CONDITIONED GAS AND
POTASSIUM FROM BIOMASS

AMENDMENT AND RESPONSE

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Commissioner:

In response to the communication from the Examiner dated April 26, 2006 re:
Notice of Non-Compliant Amendment 37 CFR 1.121, please consider the following:

Response if Timely Filed.

The applicant respectfully observes that this response is timely filed. However,
the Examiner is hereby authorized to deduct other fees owing from the deposit account of
Liebler, Ivey & Connor, P.S./Floyd E. Ivey, 35,552, Deposit account No. 50-0607.

Certificate of facsimile filing
on May 3, 2006 by Floyd E. Ivey,
Serial No. 10/669,666

Application No. 10/669,666

Floyd E. Ivey, USPTO 35552,

1

Z:\P\Client\Beierle\Facsimile\Improvement\Potent\Response\ResponseNonCompliant\Amendment060503.FINAL.wpd

BEST AVAILABLE COPY

1 **I. INTRODUCTORY COMMENTS**

2 **Response to Examiner's Notice of Non-Compliance of April 26, 2006.**

3 Your applicant notes that the Non-Compliance regards the prior response to the
4 USPTO restriction wherein election was made to Claims 10-21 drawn to the apparatus.
5 The Non-Compliance regards the inclusion in the Response to the Restriction of Claims
6 1-9 each introduced by the word (Original) rather than (Withdrawn). Your applicant
7 spoke with The Examiner in April, 2006, was advised of the Non-Compliance and
8 requested the Examiner to make the correction via an Examiner's Amendment. This
9 request was made pursuant to the advice by the USPTO of "Acceptance of Certain Non-
10 Complaint Amendments Under 37 CFR 1.121(c)." Your applicant respectfully submits
11 that Examiner's Amendment is permitted by the directions at the indicated notice re:
12 Non-Compliant Amendments.

13 Your applicant now responds to the Examiner's Notice of Non-Compliant
14 Amendment of April 26, 2006. Your applicant advises that the Amendments to claims
15 10-21 have not been changed and are in the same form as submitted with the response to
16 the Restriction.

17

18

19

20

21

22

23

24

25

26

27 Certificate of facsimile filing
28 on May 2, 2006 by Floyd E. Ivey,
Serial No. 10/669,666

Application No. 10/669,666

Floyd E. Ivey, USPTO 35552,

2

Z:\PClient\Baird\F\Patent\Improvement\Patent\Response\ResponseNonCompliantAmendment060503.FINAL.wpd